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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,989	04/30/2001	Gerald G. Giraldi	GIRALDI-1	1395

7590 07/25/2005

LaMORTE & ASSOCIATES, P.C.
P.O. Box 434
Yardley, PA 19067-8434

EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,989

Applicant(s)

GIRALDI, GERALD G.

Examiner

Tom P. Duong

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

In view of the decision by the Board of Patent Appeals and Interferences on March 31, 2005, PROSECUTION IS HEREBY REOPENED. With respect to claims 17-22, BPAI recommends the combined teachings of Mackeil and Werner. BPAI stated "Unlike claims 1-16, these claims are not directed to a putter only, and the teachings of MacKeil with regard to club face geometry appear to be applicable to a club with a non-metallic insert of laminate layers as disclosed by Werner. Note that Werner, for the reasons of strength and club feel varies the thickness of the insert along an imaginary, generally horizontal line that runs down the face of the club." A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 17-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuff '450 in view of MacKeil '103. Regarding claims 17-18, Stuff '450 discloses a putter head (Fig. 11) comprising: a putter body (70) having a toe end, a heel end, and a face surface (72), and a non-metallic insert on the striking face (73). Stuff does not disclose a putter body with a face surface having a loft angle varied from the heel end to the toe end. MacKeil teaches a golf club having continuously varying loft angle from a positive loft angle to negative loft angle from the toe end to heel end of the bulge (Col. 2, lines 24-30) striking surface (Figure 1) and also makes it clear that the varying loft angles allows the ball to maintain its trajectory and desired spin whether the ball is hit at the toe or heel end of the striking face. Thus, it would have been obvious in view of MacKeil to one having ordinary skill in the art to modify the main body of Stuff to include a varying loft angle of the striking surface of MacKeil in order to compensate the trajectory and spin of the ball if a golfer hit at the toe or heel end which may result in an undesirable trajectory and spin. With respect to the mid-line follows a curved path, the golf clubs of Stuff and MacKeil inherently have an imaginary mid-line which extends

along the center of the face from the heel to toe end. Regarding claim 22, USGA requires the striking surface insert with a minimum value of 90 Shore A hardness, thus, the golf putter of Stuff inherently has a surface hardness value at least 90 Shore A by design requirement.

2. Claims 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over the applied references (Stuff '450 in view of Mackeil '103) as applied to claim 18 above, and further in view of Werner et al. '150. Regarding claims 20-21, the applied references disclose the claimed invention except the rear surface has different curves in different section and each section has its own radius of curvature. Werner shows on Figure 9 the honeycomb structure face with a curved front 87 and curved rear skin 88 to reduce the mass in the face in order to optimize the center of gravity, and Werner also shows the rear surface has a plurality of sections with changing thickness, therefore, each section has its own radius of curvature. Thus, it would have been obvious in view of Werner of one having ordinary skill in the art to modify the putter of the applied references having a rear surface with different sections with each having different curvature as taught by Werner to provide a putter head with increase in restitution, shock absorption, and optimum center of gravity.

Allowable Subject Matter

Claims 1-16 are allowed.

Response to Arguments


Applicant's arguments with respect to claims 17-22 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P. Duong whose telephone number is (571) 272-2794. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Duong
May 17, 2005
TD 


Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700